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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Jagdish Bhalla, Ag. C.J.

Writ Petition No. 1353 of 1992

PETITIONER M/s Alaknanda Talkies
Through – Prop. Aruneshwar Sharan Singh Deo, aged years, son of Shri M.S. Singh Deo, resident of Raghunath Palace, Ambikapur, District Sarguja (M.P.)

versus

RESPONDENTS

1. District Magistrate Sarguja com-Licensing Authority under M.P. Cinema (Reculation) Rules, 1972
2. Shri T.S. Chhetwal, District Magistrate, Sarguja (M.P.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

Present : Shri Manindra Shrivastava, Sr. Advocate with Shri Amrito Das, counsel for the petitioner.
Shri V.V.S. Murthy, Dy. A.G. for the State.

ORAL ORDER

(Passed on 26th June, 2007)

This writ petition is directed against the show cause notice given to the petitioner and the final order of cancellation of the license to run motion picture.

Counsel for the petitioner emphatically submits that a strong case of mala fide was alleged against the petitioner. Interim order was granted by this Court staying the show cause notice and the order canceling the license. The steps were taken for service on respondent No. 2. However, the notice in respect of respondent No.2 remained on the record of the High Court and the same could not be issued for one reason or the other.

Learned counsel for the parties agreed that the interest of justice would suffice if the case of the petitioner is considered from the stage of show cause notice.

In the circumstances, let the licensing authority consider and dispose of the reply to the show cause notice given by the petitioner.

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It would be open for the petitioner to submit a fresh reply within a week, which shall be considered and decided by the licensing authority i.e. Collector, Sarguja in accordance with law. Since the respondent No. 2 has already retired, I do not find that the mala fide still exists.

The Collector shall consider and decide the matter expeditiously. Till the final decision is taken by the Collector, the petitioner be allowed to continue to run the cinema hall.

With the observation made above, the petition stands disposed of.

Sd/-
Ag. Chief Justice

Jyo